

Attorney Docket No. P13491

REMARKS/ARGUMENTS**1.) Allowable Subject Matter**

On page 7 of the Office Action, the Examiner objected to claim 3 as being dependent on a rejected base claim, but stated that claim 3 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claim 3 depended directly from claim 1, without any intervening claims. The Applicant has rewritten claim 3 in independent form to include all of the limitations of claim 1. Therefore, the allowance of claim 3 is respectfully requested.

2.) Claim Amendments

The Applicant has amended claims 1-3, 12, and 21; claims 4-5, 7, and 10-11 were previously canceled; and claim 27 has been canceled herein. Accordingly, claims 1-3, 6, 8-9, and 12-26 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

3.) Claim Rejections – 35 U.S.C. § 103(a)

On page 2 of the Office Action, the Examiner rejected claims 1, 2, 6, 9, 12-17 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Wallace, et al. (US 6,473,467). Claim 27 has been canceled, and the remaining claims have been amended to better distinguish the claimed invention from Wallace. The Examiner's consideration of the amended claims is respectfully requested.

With reference to the allowable subject matter noted above (i.e., claim 3), the Applicant notes that the limitation added by allowable claim 3 is that the predetermined number of positions by which the samples are shifted corresponds to whether the signal is being retransmitted. Claim 1 has been amended to recite additional steps for determining whether the signal needs to be retransmitted due to fading of the first transmission attempt, and if so, shifting the samples of the signal in each antenna path a different predetermined direction and/or number of positions than were utilized in the first transmission attempt, and retransmitting the signal and the new cyclic prefix from

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each of the plurality of antenna paths in a second transmission attempt. Basis for the amendment is found in the originally filed specification on page 17, lines 20-23.

The Applicant respectfully submits that the steps added to claim 1 further define the limitation of claim 3 and make claim 1 allowable for the same reason as claim 3. These steps are not taught or suggested by Wallace or any other cited reference. Therefore, the allowance of amended claim 1 is respectfully requested.

Claims 2, 6, and 9 depend from amended claim 1 and recite further limitations in combination with the novel and unobvious elements of claim 1. Therefore, the allowance of claims 2, 6, and 9 is respectfully requested.

Independent claim 12 is an apparatus claim that has been amended in a manner similar to claim 1. The allowance of amended claim 12 is respectfully requested for the same reasons as claims 1 and 3.

Claims 13-17 depend from amended claim 12 and recite further limitations in combination with the novel and unobvious elements of claim 12. Therefore, the allowance of claims 13-17 is respectfully requested.

On page 4 of the Office Action, the Examiner rejected claims 18-20 under 35 U.S.C. § 103(a) as being unpatentable over Wallace in view of Kumar (US 6,005,894). The Applicant has amended base claim 12 to better distinguish the claimed invention from Wallace and Kumar. Claims 18-20 depend from amended claim 12 and recite further limitations in combination with the novel and unobvious elements of claim 12. Therefore, the allowance of claims 18-20 is respectfully requested.

On page 5 of the Office Action, the Examiner rejected claims 21 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Wallace in view of Riazi, et al. (US 6,580,705). Independent claim 21 is a system claim that has been amended in a manner similar to claim 1. The allowance of amended claim 21 is respectfully requested for the same reasons as claims 1, 3, and 12 above.

Claim 26 depends from amended claim 21 and recites further limitations in combination with the novel and unobvious elements of claim 21. Therefore, the allowance of claim 26 is respectfully requested.

On page 5 of the Office Action, the Examiner rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Wallace in view of O'Sullivan, et al. (US 5,487,069).

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The Applicant has amended base claim 1 to better distinguish the claimed invention from Wallace and O'Sullivan. Claim 8 depends from amended claim 1 and recites further limitations in combination with the novel and unobvious elements of claim 1. Therefore, the allowance of claim 8 is respectfully requested.

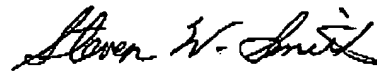
On page 6 of the Office Action, the Examiner rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Wallace in view of Riazzi and further in view of O'Sullivan. The Applicant has amended base claim 21 to better distinguish the claimed invention from Wallace, Riazzi, and O'Sullivan. Claim 25 depends from amended claim 21 and recites further limitations in combination with the novel and unobvious elements of claim 21. Therefore, the allowance of claim 25 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-3, 6, 8-9, and 12-26.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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